

***AUSTRALIA'S FOREIGN RELATIONS  
(STATE AND TERRITORY ARRANGEMENTS) AMENDMENT (REPEAL)  
RULES 2021***

**EXPLANATORY STATEMENT**

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**Issued by the authority of the Minister for Foreign Affairs**

The *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (the Act) allows the Minister to assess whether arrangements between State/Territory entities and foreign entities are consistent with Australia's foreign policy and do not adversely affect Australia's foreign relations.

Section 54 of the Act allows the Minister to make rules prescribing matters required or permitted by the Act to be prescribed by the rules, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The *Australia's Foreign Relations (State and Territory Arrangements) Amendment (Repeal) Rules 2021* (the Amendment Rules) will make amendments to the *Australia's Foreign Relations (State and Territory Arrangements) Rules 2020* (the Rules) to prescribe a self-repeal provision for the instrument after five years.

The self-repeal provision was introduced on the recommendation of the Senate Standing Committee for the Scrutiny of Delegated Legislation, to ensure appropriate parliamentary scrutiny of the Rules after the completion of the three-year review of the Act (as required under section 63A of the Act). The Rules will be reviewed to ensure they continue to reflect the policy intent of the Act and to support the effective administration of Australia's Foreign Arrangements Scheme, as part of the three-year review.

A Statement of Compatibility with Human Rights (the Statement) has been completed in accordance with the *Human Rights (Parliamentary Scrutiny) Act 2011*. The overall assessment is that the Amendment Rules are compatible with human rights. A copy of the Statement is at [Attachment A](#).

Details of the Amendment Rules are set out in [Attachment B](#).

The Office of Best Practice Regulation (OBPR) has been consulted in relation to the Amendment Rules. No Regulation Impact Statement is required.

The Act specifies no conditions that need to be satisfied before the power to make rules may be exercised.

The Amendment Rules are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Amendment Rules commence on the day after the instrument is registered.

There is regular and consistent consultation with affected stakeholders (State and Territory governments, local governments and public universities) on implementation of the Act, including on the operation of the *Rules*.

## **ATTACHMENT A**

### **Statement of Compatibility with Human Rights**

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

#### **Australia's Foreign Relations (State and Territory Arrangements) Amendment (Repeal) Rules 2021**

This disallowable legislative instrument, the *Australia's Foreign Relations (State and Territory Arrangements) Amendment (Repeal) Rules 2021* (the Legislative Instrument), is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the Legislative Instrument**

Part 1 of the Legislative Instrument deals with preliminary matters. Section 1 titles the Legislative Instrument the *Australia's Foreign Relations (State and Territory Arrangements) Amendment (Repeal) Rules 2021*. Section 2 provides that the Legislative Instrument will commence the day after the instrument is registered. Section 3 provides that the Legislative Instrument is made under the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020* (the Act). Section 4 provides that each instrument in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned.

Schedule 1 amends the *Australia's Foreign Relations (State and Territory Arrangements) Rules 2020*. Clause 1 inserts a self-repeal provision for the *Australia's Foreign Relations (State and Territory Arrangements) Rules 2020* after five years.

#### **Human rights implications**

The Legislative Instrument does not engage any rights or freedoms.

#### **Conclusion**

The Legislative Instrument is compatible with human rights because it does not engage any rights or freedoms.

#### **Australia's Foreign Relations (State and Territory Arrangements) Rules Amendment (Repeal) 2021**

**Senator the Hon. Marise Payne, Minister for Foreign Affairs**

## **ATTACHMENT B**

### **DETAILS OF AUSTRALIA'S FOREIGN RELATIONS (STATE AND TERRITORY ARRANGEMENTS) AMENDMENT (REPEAL) RULES 2021**

#### **Section 1**

Section 1 provides that the name of the Rules is *Australia's Foreign Relations (State and Territory Arrangements) Amendment (Repeal) Rules 2021* (the Amendment Rules).

#### **Section 2**

Section 2 provides that the Amendment Rules commence the day after the instrument is registered.

#### **Section 3**

Section 3 states that the authority for making the Amendment Rules is taken from the *Australia's Foreign Relations (State and Territory Arrangements) Act 2020*.

#### **Section 4**

Section 4 is a provision that gives effect to the amendments to the *Australia's Foreign Relations (State and Territory Arrangements) Rules 2020* as described in the Schedule.

#### **Schedule 1**

##### **Clause 1**

This clause inserts new Part 5, section 9, which provides that the *Australia's Foreign Relations (State and Territory Arrangements) Rules 2020* will cease to operate on the repeal date of 10 December 2025. The date of this self-repeal provision is five years after commencement of the *Australia's Foreign Relations (State and Territory Arrangements) Rules 2020*.